

TRANSPORTATION DEPARTMENT[761]**Adopted and Filed**

Pursuant to the authority of Iowa Code sections 307.10 and 307.12 and 2011 Iowa Code Supplement sections 321.188 and 321.207, the Iowa Department of Transportation, on February 15, 2012, adopted amendments to Chapter 607, “Commercial Driver Licensing,” Iowa Administrative Code.

These amendments implement changes to the Federal Motor Carrier Safety Regulations that, effective January 30, 2012, require all applicants for a commercial driver’s license (CDL), whether the CDL is initial, transferred, renewed or upgraded, to self-certify to the type of driving they engage in and to give the Department a copy of the driver’s current medical examiner’s certificate if the driver has certified to non-excepted interstate driving. Current CDL holders are required to complete a self-certification, and to submit a current medical examiner’s certificate if certifying to non-excepted interstate driving, before January 30, 2014. The Department will post to the Commercial Driver’s License Information System a medical status of “certified” for all persons who certify to non-excepted interstate driving and provide a medical examiner’s certificate. Current CDL holders who fail to self-certify or provide a current medical examiner’s certificate before January 30, 2014, and drivers certifying to non-excepted interstate driving who do not maintain their certified status by giving the Department a copy of each subsequently issued medical examiner’s certificate or any associated medical variance before the previous certificate or variance expires will be subject to an immediate posting of their Commercial Driver’s License Information System medical status as “not certified” and to a downgrade of their CDLs. The downgrade becomes effective 60 days after the expiration of the medical examiner’s certificate or variance. A driver whose CDL privilege is removed may regain the privilege at any time by taking the action required to avoid the CDL downgrade, provided that the driver remains otherwise eligible for a CDL.

New definitions of “commercial driver’s license,” “commercial driver’s license downgrade,” “commercial driver’s license information system driver’s record,” “medical examiner,” “medical examiner’s certificate,” “medical variance,” and “self-certification” are adopted in rule 761—607.3(321). These definitions are consistent with and not different from established federal definitions of these terms and are included in this chapter only for the purpose of reference and clarity in their use in the new “CDL downgrade” rule established in Item 4.

These amendments also update the citation in 49 Code of Federal Regulations (CFR) Part 383. The amendments to 49 CFR Part 383 that have become effective since the 2008 edition of the CFR are listed in the information below. The parts affected are followed by Federal Register (FR) citations.

Parts 383, 384, 390 and 391 (FR Vol. 73, No. 231, Page 73096, 12-1-08)

The Federal Motor Carrier Safety Administration amends the Federal Motor Carrier Safety Regulations to require interstate CDL holders subject to the physical qualification requirements to provide a current original or copy of their medical examiner’s certificates to their state driver licensing agency. State driver licensing agencies are required to record on the Commercial Driver’s License Information System driver’s record the self-certification the driver made regarding the applicability of the federal driver qualification rules and, for drivers subject to those requirements, the medical certification status information specified in this final rule.

Parts 383, 384, 390, 391 and 392 (FR Vol. 75, No. 186, Page 59118, 9-27-10)

The Federal Motor Carrier Safety Administration prohibits texting by commercial motor vehicle drivers while they are operating in interstate commerce and imposes sanctions, including civil penalties and disqualification from operating commercial motor vehicles in interstate commerce, for drivers who fail to comply. Additionally, motor carriers are prohibited from requiring or allowing their drivers to engage in texting while driving.

Parts 383, 384 and 385 (FR Vol. 76, No. 89, Page 26854, 5-9-11)

The Federal Motor Carrier Safety Administration amends the CDL knowledge and skills testing standards and establishes new minimum federal standards for states to issue the commercial learner's permit. The final rule requires that a commercial learner's permit holder meet virtually the same requirements as a CDL holder.

The Department shall not grant any waivers under the provisions of these amendments since the amendments are needed to comply with 49 U.S.C. Section 31311.

Notice of Intended Action for these amendments was published in the January 11, 2012, Iowa Administrative Bulletin as **ARC 9955B**. These amendments were also Adopted and Filed Emergency, effective January 30, 2012, and were published in the January 11, 2012, Iowa Administrative Bulletin as **ARC 9954B**. The references to 2011 Iowa Acts, Senate File 205, were updated to reference the 2011 Iowa Code Supplement in Items 2, 3 and 4. Otherwise, the amendments are identical to those published under Notice of Intended Action and those Adopted and Filed Emergency.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 321.

These amendments will become effective April 11, 2012, at which time the Adopted and Filed Emergency amendments are hereby rescinded.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [607.3, 607.10, 607.50] is being omitted. With the exception of the changes noted above, these amendments are identical to those published under Notice as **ARC 9955B** and Adopted and Filed Emergency as **ARC 9954B**, IAB 1/11/12.

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